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of 36

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 320 /2002

UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

PETITIONER: 1. Poleshwar Prasad , s/o Chitrasen Sharma, aged 21 years, Contract Teacher Class III, Primary School Manpur , r/o Ranjitpur, Tahsil and District Kawardha (C.G.)

2. Dhanesh Singh Bais, s/o Late Chetan Singh Bais, aged about 28 years, Contract Teacher Class III , Govt. Primary School Ranjitpur, r/o Ranjitpur ,Tahsil and District Kawardha (C.G.)

3. Arjun @ Santosh Pali, s/o Hagaru Pali, aged 34 Years, Member, Samvida Shikshak Niyukti Samiti, r/o Ranjitpur, Tahsil and District Kawardha (C.G.)

P.R. No. 2161/03
Presented by Shri Mahesh Sahu
dated 18.6.03

Versus

RESPONDENTS : 1. Collector Kawardha,
District Kawardha (Chhattisgarh)

2. Sub Divisional Officer, Kawardha,
District Kawardha (Chhattisgarh)

3. Tejram, s/o Akil Sahu, aged 31 years, village Manpur , Post Singhangarh, Tahsila and District Kawardha (C.G.)

Commissioner
A. PATRIKAR
BIL.
Bilaspur Tahsil

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 329/ **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	05-03-2003	

Shri Rajeev Shrivastava with Shri V.C. Ottalwar, counsel for the petitioner.

Shri D.R. Agarwal, Dy. Advocate General for the State.

The dispute arose regarding appointment of contract teachers. As the record indicates that the petitioners No.1 & 2 were appointed as contract teachers and petitioner No.3 is a Member of the Selection Committee. The appointments of the petitioners No.1 & 2 was challenged by way of an appeal under Section 91 of M.P. Panchayat Raj Adhiniyam before the S.D.O. Kawardha by respondent No.3. In the said appeal the petitioners have raised preliminary objections regarding limitation, jurisdiction and maintainability.

It is the case of the petitioner that since these necessary issues were not framed by the SDO as preliminary issues, the petitioner had preferred a revision petition before the Collector, Kawardha who declined to entertain the same on the ground that it is not directed against any particular order. Aggrieved therewith the petitioners have approached this Court for relief.

GLPRJ—FS/78 — 9/2000 —50,000.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 320/03 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Having heard learned counsel, the Court is not inclined to entertain this writ petition at this stage. It is correct that the petitioners, as stated, have filed certain preliminary objections but the record indicates that when the matter had come up for hearing before the SDO, Kawardha on 16-12-2002 the present petitioners who were opposite party in the appeal did not enter appearance. Accordingly arguments were heard and the matter was posted for orders. It was further observed by the authorities, as is clear from the order sheet, that the petitioners were given liberty to file written submission. Thus the matter has been heard and final orders are to be delivered. It is not known whether the matter is pending or disposed of. That apart, since arguments have been heard and the matter was posted for orders, it would be appropriate for the petitioners, if they are aggrieved by any adverse order passed against them, to challenge the same before the appropriate Forum in accordance with law in which event it will be open to them and liberty is so granted to raise all the objections including preliminary objections. As in terms of the order dated 16-12-2002 it was	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक CPNo. 320 / **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 3 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	open to the petitioners to file a written submission, therefore, in case the matter has not been concluded as yet and orders are still awaited, it is for the petitioners to decide whether they would like to file written submission or not. It goes without saying that if the matter has been disposed of then the question of filing written submission will not arise. With the aforesaid observations and directions this petition stands disposed of. Consequently M.W.P. No. 263/ 2003 & I.A. No. 719/2003 for urgent hearing also stand disposed of. Certified copy as per Rules. **Sd/-** **P.C. Naik** **Judge**	
Roshan		

GRPRJ—FS/78 — 9/2000 —50,000.